

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: APPLICATION OF ZOUZAR BOUKA; :
VISION INDIAN OCEAN S.A.; AND VIMA :
REAL ESTATE S.A.R.L. FOR AN ORDER TO :
CONDUCT DISCOVERY FOR USE IN :
FOREIGN PROCEEDINGS :
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ORDER

22 Misc. 92 (RA) (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge

On November 15, 2022, respondents Paul Hinks, Symbion Power Africa, LLC, Symbion Power Holdings, LLC, Symbion Power Services U.S., Inc., and Symbion Power, LLC (collectively “Symbion”) filed an amended motion for reconsideration, Docket # 52, of this Court’s Opinion and Order of October 28, 2022. Docket # 40. Petitioners Zouzar Bouka, VIMA Real Estate S.A.R.L., and Vision Indian Ocean, S.A. (collectively “Bouka”) have opposed that motion. Docket # 56. In support of their positions, the parties have submitted conflicting letters regarding the status of the case allegedly pending before Madagascar’s Anti-Corruption Court. See Docket ## 59, 60. Specifically, the parties disagree as to whether an action is still pending against respondents and whether Bouka or any other petitioner is a civil party to the proceeding. See id.

It is unclear whether the parties have supplied all the information available to them, and in the optimal format, regarding the status of the Malagasy proceeding and whether any petitioner actually has civil intervenor status (as opposed to having applied for civil intervenor status) in any case that may still exist. The Court will therefore give each side an opportunity to make an appropriate filing that addresses these issues in final form, including by filing a sworn statement of an expert. Any additional materials from each side shall be filed on or before December 20, 2022. Any response may be filed by January 3, 2023. The parties may agree to change these dates without Court order as long as any new date is disclosed in a letter to the Court filed on ECF.

SO ORDERED.

Dated: December 13, 2022
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge